



Atty. Dkt. No. 088245-2354

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Applicant: Olli-Pekka Pohjola et al.  
Title: SECURE UPSTREAM  
TRANSMISSION IN PASSIVE  
OPTICAL NETWORKS  
Appl. No.: 10/717,601  
Filing Date: 11/21/2003  
Examiner: Hanh Phan  
Art Unit: 2613  
Confirmation Number: 8207

**REQUEST FOR RECONSIDERATION OF PATENT TERM ADJUSTMENT**  
**UNDER 37 C.F.R. §1.705**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

Applicant is in receipt of the Notice of Allowance for the above-captioned application. Applicant disagrees with the Determination of Patent Term Adjustment (PTA) under 35 U.S.C. § 154(b) and presents the following facts per the procedure set forth in 37 C.F.R. § 1.705(b) to support their contention that the patent term adjustment should be 1029 days instead of 530 days as calculated by the United States Patent and Trademark Office (PTO).

The Patent Office determined that the patent was entitled to 530 days of PTA. Applicants believe that this PTA determination was made in accordance with the "Explanation of 37 CFR 1.703(f) and of the United States Patent and Trademark Office Interpretation of 35 U.S.C. §154(b)(2)(A)" published at 69 Fed. Reg. 34238 (Jun. 21, 2004). Under that interpretation of the PTA statute, any PTO delay under 35 U.S.C. § 154(b)(1)(A) is deemed to overlap with any 3-year maximum pendency delay under 35 U.S.C. § 154(b)(1)(B), and so, as a practical effect, PTA may be awarded under §154(b)(1)(A) or §154(b)(1)(B), but not both.

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